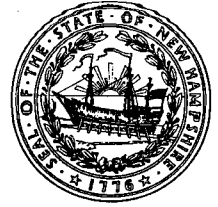




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-56

August 30, 2004

David Loker
8 Bonwood Road
Needham, MA 02492

RE: DES Wetlands File #2000-01813 and #2002-755, Moultonborough Tax Map 12, Lot 64

Dear Mr.Loker:

On August 11, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located at 11 Echo Landing Road in Moultonborough, NH, more specifically referenced on Town of Moultonborough Tax Map 12 as Lot 64 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, NH Code of Admin. Rules Wt 100-700 and Wetlands and Non-site Specific Permit #2002-755 (the "Permit"). The Permit authorized installation of a 6' x 30' pier with no work to the existing 39' breakwater and 4'x 41' cantilevered pier in accordance with plans by Winnepesaukee Marine Construction, as received by DES on August 9, 2002 (the "Plans").

During the inspection the following deficiencies were documented:

1. A walkway was installed between the 4' x 41' cantilevered pier and the 6' x 30' pier without a permit from DES. The average width of the walkway is approximately 11'10".
2. A review of DES records indicates that to date the Department has not received a copy of the permit that was recorded with the Registry of Deeds Office as required by Specific Condition # 3 of the Permit.

In response, you are requested to take the following actions:

1. By November 31, 2004 reduce the wharf to no more than 6' wide and submit plans and photographs documenting the reduction of the wharf to DES.
2. Within 30 days of the date of this letter submit a copy of recorded Permit # 2002-755 to DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

D. Forst
Shoreland Program Supervisor
DES Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0696 0862

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
USACOE
Winnepesaukee Marine Construction Co.